IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 24618 of 2007(E)

PETITIONERS:
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1. **A.FATHAFUDEEN,KATTUKULAPUTHEN VEEDU, PULLOORMUKKU, KALLAMBALAM,KADAVOOR VILLAGE.**

2. **A.NIZAR,KATTUKULAPUTHEN VEEDU, PULLOORMUKKU, KALLAMBALAM,KADAVOOR VILLAGE.**

3. **K.SULPHATH,NIHAS MANZIL, PULLOORMUKKU, KALLAMBALAM,KADAVOOR VILLAGE.**

BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.VINITHA PRASANNAN
SRI.R.SURESH,
SRI.ANIYAN P.
SRI.A.S.SACHIN

RESPONDENTS:
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1. **STATE OF KERALA,REPRESENTED BY THE DIRECTOR GENERAL OF POLICE,TRIVANDRUM.**

2. **SUPERINTENDENT OF POLICE, TRIVANDRUM RURAL, TRIVANDRUM.**

3. **THE DEPUTY SUPERINTENDENT OF POLICE, ATTINGAL,TRIVANDRUM DISTRICT.**

4. **THE SUB INSPECTOR OF POLICE, KALLAMBALAM POLICE STATION, ATTINGAL, TRIVANDRUM DIST.**

5. **ANZA BEEVI, ANZA MANZIL, PULLOORMUKKU, KALLAMBALAM, KADAVOOR VILLAGE, TRIVANDRUM DIST.**

6. SOFIA, W/O. MAHARSHA,SALIM MANZIL,
DO..DO……

7. A.NAZEEMA BEEVI, ALI MANZIL, DO..DO..

8. FAZULUDEEN, ALI MANZIL.DO..DO..

BY ADV. SRI. K.SIJU KAMALASANAN - R5 – R8
BY GOVERNMENT PLEADER SRI.SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.24618/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEDICAL REPORT DT. 15.8.06 ISSUED BY DR.A.MARTHANDA PILLAI.

EXT.P2:- COPY OF THE DISCHARGE CARD DT. 14.7.05 ISSUED FROM THE MEDICAL COLLEGE HOSPITAL, TRIVANDRUM.

EXT.P3:- COPY OF THE CERTIFICATE ISSUED BY THE MEDICAL COLLEGE HOSPITAL ON 6.10.97 TO THE IST SON OF THE 3RD PETITIONER.

E.XT.P4:- COPY OF THE CERTIFICATE ISSUED BY THE MEDICAL COLLEGE HOSPITAL TO THE 2ND SON OF THE 3RD PETITIONER.

EXT.P5:- COPY OF THE PHOTOGRAPH OF THE INVALID CHILDREN OF THE 3RD PETITIONER.

EXT.P6:- COPY OF THE JUDGMENT DT. 12.7.07 IN WPC 20911/07 OF THIS HONOURABLE COURT.

EXT.P7:- COPY OF THE PETITION DT. 29.6.07 FILED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT .

EXT.P8:- COPY OF THE PETITION DT. 7.7.07 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 4TH RESPONDENT .

EXT.P9:- COPY OF THE PETITION DT. 12.7.07 FILED BY THE 3RD PETITIONER BEFORE THE 1ST RESPONDENT .

EXT.P10:- COPY OF THE NEWS ITEM APPEARED IN MADHYAMAM DAILY DT. 6.8.07.

/TRUE COPY/

P.S. TO JUDGE

tss

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) No. 24618 of 2007-E

Dated 18th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners have approached this Court, seeking the following relief:

> "(i) to issue a writ of mandamus or other appropriate writ, direction or order, directing the respondents 1 to 4 to afford adequate police protection to the life, liberty and property of the petitioners."

The grievance is that respondents 5 to 8 are threatening the life and liberty of the petitioners. The said respondents also interfere with their right to use a pathway. Though the police was moved, no help is forthcoming. Hence this writ petition.

2. The learned Government Pleader, upon instructions, submitted that there is already an order by this Court in Ext.P6 judgment, to grant protection to the respondents 5 and 6 and also the respondents therein, who are the relatives of the writ petitioners herein.

We also heard the learned counsel for respondents 5 to 8, who have already filed a counter affidavit.

3. It is common case that the dispute regarding the pathway is pending before the competent civil court. In view of the above position, it will be sufficient to direct respondents 3 and 4 to maintain law and order also prevent breach of peace. If there is any threat to the lives of the petitioners, they can move the said respondents. In that event, the police will ensure that the threat is averted and the lives of the petitioners are protected.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID, JUDGE.

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